

**PROTOCOL FOR THE INVESTIGATION OF CHILD ABUSE CASES**  
**BY AND BETWEEN**  
**MATHEWS COUNTY DEPARTMENT OF SOCIAL SERVICES,**  
**MATHEWS COUNTY SHERIFF'S OFFICE,**  
**MATHEWS COUNTY COMMONWEALTH ATTORNEY'S OFFICE,**  
**MATHEWS COUNTY PUBLIC SCHOOLS,**  
**VICTIM WITNESS ASSISTANCE PROGRAM FOR MATHEWS COUNTY, and**  
**MATHEWS COUNTY ATTORNEY**

**STATEMENT OF PURPOSE**

It is the purpose of the above-named agencies to cooperate in the investigation, assessment, and handling of all cases of child abuse, including (but not limited to) child sexual abuse, child physical abuse, and felony neglect cases in order to enhance the investigative procedures of each agency, maximize the ability of all agencies to gather evidence, and to minimize the trauma to the child victim of such crimes. To that end, each agency will comply with all legal, investigative, and reporting requirements as required by law, statute, and agency procedures, and will, consistent with those legal requirements, implement this protocol.

**INITIATION OF INVESTIGATION**

It is the intent of this protocol that investigations of child abuse will be conducted jointly by the Mathews Department of Social Services (MDSS) and the Mathews County Sheriff's Office (MASO). Further, it is the intent of this protocol to incorporate by reference the reporting requirements of the Code of Virginia, Section 63.1-248.3, Code of Virginia (1950), as amended, and any successor statutes or

revisions to said statute. All reporting requirements regarding child abuse cases shall be consistent with said statute and nothing in this protocol is intended to abrogate, undermine, or in any way modify the statutory requirements outlined therein.

- I. Cross-Reporting. In an effort to facilitate the joint investigation of child abuse cases, MDSS and MASO will immediately report to the other any case of child sexual abuse, child physical abuse, or felony child neglect of which that agency becomes aware. This notification shall be at the earliest feasible opportunity with the goal of such cross-reporting to occur no more than twelve (12) hours after said agency receives the initial report. Such verbal notification shall, wherever possible, be followed up by written notification within 24 hours of the verbal notification.
- II. Commencing the Investigation.
  - A. Each agency shall have a primary officer designated to conduct child abuse investigations. As soon as possible after the verbal notification, said agents, or their designates, shall arrange for a joint interview of the victim under conditions designed to minimize trauma to that victim.
  - B. Throughout the course of the investigation the Victim Witness Assistance Program for Mathews County (VWAP) shall have the right to participate and aid in interviews with victims, witnesses, and shall ensure those rights of victims and witnesses as described in 19.2-11.01 et.seq., Code of Virginia (1950), as amended.

- C. The designated agent for MDSS and the designated agent for MASO shall meet and determine the best methodology for conducting the interview with the child victim. While such methodology need be aimed at maximizing the completeness and veracity of the report of the child victim, such methodology should also intend to minimize the trauma to the child victim. To that end, interviewers trained in conducting interviews with child victims shall be used whenever possible. It is the intent and understanding of the member agencies involved in the interview process that said agencies will attempt to train interviewers in aspects of conducting juvenile interviews.
- D. Said parties shall, wherever possible, also conduct a joint interview of the alleged abuser, with considerations made to ensure the veracity of the report and interview, as well as its admissibility in a criminal proceeding. The parties may determine the best methodology for conducting the interview and both parties need not be present for the interview with the alleged abuser, subject to the needs of each agency.
- E. In cases of child sexual abuse, interviewers shall be trained and familiar with interview techniques designed and designated to most accurately obtain specific information from the child victim.

### III. Obtaining a Medical Examination

#### 1. Sexual Assault

- A. In any case of alleged sexual assault the victim shall immediately be made available for a medical examination if the alleged sexual assault has occurred within the last 72 hours of the report.
- B. If the alleged sexual assault occurred greater than 72 hours prior to the report, such medical examination shall be obtained as soon as possible.
- C. Such medical examination shall, where possible, be performed by a physician qualified and trained in examining and obtaining evidence of sexual assault, or by nurses or nurse practitioners with similar training and experience (and, in particular, any qualified SANE nurses).

#### 2. Physical Abuse/Assault

- A. A medical examination shall be obtained from a physician or qualified medical expert on allegations of physical abuse or assault where:
  - (i) there is any injury that leaves visible evidence of injury, that is, welts, bruises, burns, cuts or abrasions, or the like.
  - (ii) there is any injury that would involve enough force to possibly do internal injury.
  - (iii) there are any fractures of suspicious origin

- (iv) there is any history not consistent with the injury
- (v) repetitive acute life threatening events

B. Such medical examination shall be performed as soon as reasonably possible.

- IV. The non-offending parent or guardian interview. The designated representative of MDSS and the designated representative of the MASO shall jointly conduct the interview with the non-offending parent or guardian. The parties may determine who shall be the lead interviewer in this interview.
- V. Audio or Video tape interviews. Where possible, all interviews of suspected abusers, non-offending parents, and child victims shall be recorded by tape and/or video. If any party refuses to be interviewed on tape or video, the designated representatives of MDSS and MASO shall nevertheless conduct the interview even in the absence of recording said interview.
- VI. Mathews County Public Schools. Pursuant to recent amendments to Virginia Code Section 22.1-280.1, Code of Virginia (1950), as amended, and Virginia Code Section 63.1-248.3, Code of Virginia (1950), as amended, teachers and any other person employed by a public or private school systems are required to report:

- A. All incidents of assault, assault and battery, sexual assault, et.al., occurring on school property, a school bus, or at a school sponsored activity shall be reported to local law enforcement (MASO).
- B. If they have a reason to suspect that a child is an abused or neglected child, such suspicion shall be reported to MDSS.
- C. Such reporting requirements, as amended, mandate that such teachers and other school personnel shall report to local law enforcement agencies any act designated in subsection A which may constitute a criminal offense (Commonwealth Attorney's office and the MASO) and that such report shall be made immediately. It is the intent of this protocol to abide by the current statutory provisions as amended and to incorporate these provisions into this protocol and, specifically, where law enforcement receives reports pursuant to those code provisions from the school system, the law enforcement agencies (Commonwealth Attorney's office and the MASO) shall conform with the requirements of this protocol and shall report such incidents to MDSS where appropriate and consistent with this protocol.
- D. These requirements shall incorporate by reference the Mathews County School Board procedures for reporting child abuse or neglect attached hereto as "Addenda A".

### **INVESTIGATORY DETERMINATION**

- I. MASO Determination. At any point in this investigatory process where appropriate, the representative of MASO may determine that the matter being investigated is not criminal in nature and may, at that point, determine that the MASO shall no longer participate in any further interviews and/or investigations.
- II. MDSS Determination. At any point in this investigatory process where appropriate, the representative of MDSS may determine that the alleged abuse does not rise to the level of any violation of the Department of Social Services regulations and guidelines, said designated representative may determine not to participate in any further interviews or investigation.
- III. Removal of the child from home. If possible, it should be the intent of the parties to permit the child victim to remain in the child's home if it is the determination of the designated representatives of MASO and MDSS that the child's best interests are served by remaining in the home and that the child will be protected from further abuse. To this end, the removal of the child should occur only if the alleged abuser cannot be removed from the child's home or if, for other reasons, determined by the agent for MDSS, it is in the child's best interest to be removed from the home.
- IV. Placement of the child. If the child must be removed from the home, the designated representative of MDSS shall determine the appropriate placement of the child, based on agency regulations and statutory

requirements. Either MDSS or MASO may transport the child to an appropriate placement facility if such determination is made that said placement is necessary. The designated representative of MDSS shall advise the parents or guardian of said child of the circumstances and allegations surrounding the removal of the child and may use this opportunity, with the representative of MASO, to interview the alleged abuser as well as the non-offending parent or guardian.

V. Arrest of the alleged abuser.

- A. The designated representative of MASO shall determine whether, and when, the arrest of the abuser is necessary and appropriate. At any point where an affirmative arrest determination is made, the designated representatives of MDSS and MASO shall contact the Commonwealth Attorney's office and provide them with the basis for the recommendation that arrest be made. If it is the determination of the designated representatives of MDSS and MASO that arrest need be made immediately, said representatives shall appear before the magistrate in order to obtain a warrant of arrest, and, thereafter, may contact the Commonwealth Attorney's office following the arrest of the alleged abuser.
- B. The Commonwealth's Attorney shall notify the County Attorney when arrest is eminent or when a determination has been made to arrest the alleged abuser.



### **CONCLUSION OF INVESTIGATION**

- I. Collateral information, continued investigation. Once the child has been placed in a safe environment, and the designated representatives of MDSS and MASO have conducted interviews of the alleged abuser, the victim, and any other non-offending parent or guardian, the designated representatives shall make a determination as to further investigation, based on each assessment of their individual agency's needs. If both parties determine that further investigation is necessary, then such investigation shall continue jointly. If either party determines that further investigation is unnecessary (and such determination is concurred in on behalf of the MASO by the Commonwealth's Attorney, and on behalf of MDSS by the county attorney), then that designated representative may withdraw from any further investigation and allow the collateral agency to proceed to investigate further without the participation of the agency deeming further investigation unnecessary.
- II. Completion of investigation and assessment. In either case, each agency, by its designated representative, shall complete its investigation and assessment of the allegation of child abuse consistent with the terms and conditions as stated herein:
  - a. Time Frame. It is the intent of this protocol that the investigation and assessment, including all interviews, follow-up interviews, and

determinations of arrest or founded complaint shall be made within 60 days of the report of the allegation of abuse whenever possible.

- b. Agency duties. The designated representative of MDSS and the designated representative of MASO shall be responsible for their respective agency's statutory requirements, duties, and regulations, and the joint investigation shall be conducted consistent with each agency's statutory duties, guidelines, and regulations.
- c. Filing reports. Upon completion of the investigation, the designated representatives of MDSS and MASO shall file with each respective agency its assessment of the case including a conclusion as to whether to proceed to criminal charges or a founded complaint. The investigation and assessment filed by the designated representative of each agency shall be based on complete exchange of information, including information obtained independently, and shall be made with awareness of, and consistent with, the investigation and assessment of the other agency.

### **CRIMINAL DISPOSITION**

I. If a determination is made that criminal charges are appropriate, the Commonwealth's Attorney shall work with the designated representative of MDSS as well as the designated representative of MASO to complete any further aspects of the investigation necessary to commence and complete the criminal trial.

II. The Commonwealth's Attorney shall work with the witness and victim advocate in order to ensure that any trauma to the child is minimized. The continued involvement of the designated representatives of MDSS and MASO shall be considered in a determination to minimize trauma to the child victim.

III. Throughout any court proceedings, the Commonwealth's Attorney, the victim witness advocate, and the designated representatives of MDSS and MASO shall prepare the child for trial, shall assist the child in understanding the methodology and purposes of the court proceeding, and shall make every effort to minimize trauma to the child and to allow the child as complete an understanding as possible of the purpose, nature, and scope of the criminal proceedings.

#### **MODIFICATION AND TERMINATION OF PROTOCOL**

This protocol shall be in force and effect from the date signed by the parties. Any party may withdraw from this protocol by written notice to other protocol members with a date definite for said agency to withdraw from participation. Each party agrees and understands that the protocol shall be subject to review annually, on or before the anniversary date of the protocol, and that failure to modify, amend, revoke, or in any manner, alter the protocol shall indicate the parties intent that said protocol remain in full force and effect. Additionally, this protocol may be modified or amended at any time by a majority of the member agencies at any regularly scheduled meeting of the protocol team.

MATHEWS COUNTY SOCIAL SERVICES

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Date By: \_\_\_\_\_

MATHEWS COUNTY SHERIFF'S OFFICE

\_\_\_\_\_  
Date By: \_\_\_\_\_

MATHEWS COUNTY COMMONWEALTH'S ATTORNEY

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Date By: \_\_\_\_\_

MATHEWS COUNTY PUBLIC SCHOOLS

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Date By: \_\_\_\_\_

VICTIM WITNESS ASSISTANCE PROGRAM FOR  
MATHEWS COUNTY

\_\_\_\_\_  
Date By: \_\_\_\_\_

MATHEWS COUNTY ATTORNEY

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Date By: \_\_\_\_\_